

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SWIRLATE IP LLC,)	
)	
Plaintiff,)	
)	C.A. No. 1:20-cv-01283-CFC
v.)	
)	JURY TRIAL DEMANDED
KEEP TRUCKIN, INC.,)	
)	
Defendant.)	
)	

**DEFENDANT KEEP TRUCKIN, INC.’S
MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(6)**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Keep Truckin, Inc. (“Defendant”) moves to dismiss Plaintiff Swirlate IP LLC’s Original Complaint for Patent Infringement (D.I. 1) for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth in Defendant’s Opening Brief, submitted herewith.

Respectfully submitted,

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Dated: February 15, 2021

CERTIFICATE OF SERVICE

I, Benjamin J. Schladweiler, hereby certify that on February 15, 2021, I caused the foregoing ***Defendant Keep Truckin, Inc.'s Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6)*** to be served via electronic mail upon the following counsel of record:

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